

### **REMARKS/ARGUMENTS**

The non-final Office Action of March 11, 2009, has been reviewed and these remarks are responsive thereto. Claims 1 and 31 have been amended, no claims have been canceled, and new claims 52-55 have been added. No new matter has been introduced. Claims 1, 7-10, 12, 13, 17, 21-24, 26-29, 31, 40, 41, 43, 44, and 46-55 are pending in this application upon entry of the present amendment. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Priority***

The Office Action mailed on March 11, 2009, ignored Applicants' amended priority claim submitted on June 5, 2002, and later resubmitted on June 4, 2008. Specifically, Applicants submit that the instant application claims priority from U.S. patent Application Serial No. 09/488,361, filed on January 16, 2000, now U.S. Patent No. 6,421,067, issued July 16, 2002. Applicants respectfully request that the Examiner acknowledge this benefit claim which was properly made in the Preliminary Amendment submitted on June 5, 2002.

#### ***Rejections Under 35 U.S.C. § 103***

Claims 1, 10-13, 17, 24-29, 31, 40, 41, 43, 44 and 46-50 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 6,405,371 (Oosterhout), in view of U.S. Patent No. 6,411,337 (Cove). Claims 7-9 and 21-23 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Oosterhout, in view of Cove, and further in view of U.S. Patent No. 6,549,643 (Toklu). Applicants respectfully traverse these rejections for at least the following reasons.

#### **Failure to Address Claim 43**

As a preliminary matter, the Office Action fails to address claim 43 in detail. The Examiner bears the initial burden of factually supporting any *prima facie* case of obviousness, and if the Examiner fails to do so Applicants are not obligated to submit evidence of nonobviousness. *See* MPEP § 2142. Applicants respectfully request that the Examiner specify

how the references allegedly describe each of the recited features to supply a more substantive basis for responding.

#### Claims 1 and 31

Independent claims 1 and 31 each recite, in part, “displaying [a] reduced image of real-time programming on a side of the graphical representation of [a] polyhedron ....” The Office Action acknowledges on page 5 that Oosterhout does not teach displaying a reduced image on a side of a graphical representation of a polyhedron. However, the Office Action then alleges that Cove cures the deficiencies of Oosterhout at Figures 2 and 6, and at col. 6, lines 52-61. Applicants disagree. The relied-upon portions of Cove only describe a rotatable function menu in which different video functions are displayed and available for selection by the user. (See Figs. 2 and 6; col. 6, lines 52-61). Neither the cited portions nor any other portion of Cove teach or suggest wherein an image captured from a video stream is displayed in Cove’s rotatable function menu. Therefore, like Oosterhout, Cove also fails to teach or suggest “displaying [a] reduced image of real-time programming on a side of the graphical representation of [a] polyhedron,” as recited in claim 1. (Emphasis added).

Furthermore, since Cove’s function menu never permits a viewer to see thumbnail snapshots or video streams of real-time programming, the disclosure of Cove could not support any teaching or suggestion of allowing viewers to preview multiple channels on a polyhedron, as described in the instant application. Unlike Oosterhout or Cove, Applicants’ disclosure supports a more efficient display that may use visual effects to display thumbnails of different channels simultaneously and in areas of different sizes and shapes on the screen. For example, in the Applicants’ disclosure, a reduced image of real-time programming on the side of a polyhedron (see, e.g., FOX in Fig. 2), may take up less screen real estate; thereby allowing for previews of more channels and an enhanced viewer experience.

For at least these reasons, claims 1 and 31 are not obvious over the purported combination of Oosterhout and Cove.

#### Claim 17

Independent claim 17 recites, in part, “display [a] first snapshot on a side of the graphical representation of [a] polyhedron ....” Therefore, claim 17 is not obvious over the cited references for reasons similar to those set forth above regarding claims 1 and 31, as well as based on the additional features recited therein.

#### Claim 51

Independent claim 51 recites, in part, “mapping each of the plurality of reduced size thumbnail images to distinct geometric surfaces of the 3-dimensional polyhedron....” Therefore, claim 51 is not obvious over the cited references for reasons similar to those set forth above regarding claims 1 and 31, as well as based on the additional features recited therein.

Additionally, claim 51 recites, “displaying a second graphical representation in which the 3-dimensional polyhedron is rotated within the electronic programming guide such that the geometric surface corresponding to the identified television channel is rendered in a larger portion of the screen than the corresponding surface in the first graphical representation.” The Office Action alleges that Cove teaches this feature in Fig. 7A. Applicants respectfully disagree with this characterization of Cove. Fig. 7A of Cove only shows rotatable function menus, it does not teach or suggest wherein a “geometric surface corresponding to the identified television channel is rendered in a larger portion of the screen than the corresponding surface in the first graphical representation.” (Emphasis added). For at least this additional reason, Applicants submit that claim 51 is not obvious over the cited references.

#### Dependent Claims 7-10, 12, 13, 21-24, 26-29, 40, 41, 43, 44, and 46-50

Dependent claims 10, 12, 13, 24, 26-29, 40, 41, 43, 44, and 46-50 are not obvious in view of the cited references for at least the same reasons as their respective base claims, as well as based on the additional features recited therein.

For example, claims 48-50 recite, “convert[ing] the segment of the video stream to a reduced resolution video stream.” The Office Action alleges that Oosterhout teaches the recited claim in Fig. 7, TF2. Applicants disagree. Oosterhout never teaches or suggests converting a video stream to a lower resolution. In fact, the terms “convert” and “resolution” do not appear anywhere in Oosterhout’s disclosure. Furthermore, Oosterhout describes in reference to Figs. 7

and 9 that a “zoom function” is provided to allow the user to display a reduced mosaic image as a full screen television image (col. 5, lines 9-21), which is contrary to any suggestion that Oosterhout converts images in its mosaic to a lower resolution. Therefore, for at least this additional reason, claims 48-50 are not obvious over the cited references.

Since Toklu also does not teach or suggest displaying reduced images, snapshots, or thumbnails of real-time programming on sides of a graphical representation of a polyhedron, as recited in the independent claims, Toklu thus fails to overcome the above-discussed deficiencies of Oosterhout and Cove. Therefore, claims 7-9 and 21-23 are also not obvious over the cited references, alone or in combination, for at least the same reasons as their respective base claims, as well as based on the additional features recited therein.

### ***New Claims***

Applicants have added new claims 52-55 to more fully claim the invention. Claims 52 and 54 recite identifying a snapshot for displaying in the polyhedron by “detect[ing] a scene change in the video stream” corresponding to the selected channel. Neither Oosterhout, nor Cove, nor Toklu, alone or in combination, teaches or suggests this additional feature.

Additionally, claim 53 recites, “rendering a plurality of reduced images of real-time programming on different sides of the polyhedron, wherein each of the plurality of reduced images of real-time programming corresponds to a snapshot from a different channel, and wherein the different sides of the polyhedron are rendered on different portions of the electronic programming guide (EPG) display, the different portions being simultaneously visible and having different sizes and shapes in the electronic programming guide (EPG) display.” Claim 55 recites similar features. For reasons similar to those discussed above regarding claims 1, 31, and 51, none of the cited references, alone or in combination, teaches or suggests the additional features of claims 53 and 55.

(Conclusion and signature block follow on next page)

**CONCLUSION**

Based on the foregoing, Applicants respectfully submit that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number.

Respectfully submitted,  
  
BANNER & WITCOFF, LTD.

Dated this 11th day of June, 2009

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